

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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JERE STOUDT and RETIRED TIRE MOBILE	:	
SHREDDING, LLC,	:	
Plaintiffs,	:	
	:	
v.	:	No. 5:22-cv-01900
	:	
BCA INDUSTRIES, RECYCLE EQUIPMENT	:	
RENTAL LCC, IVYWOOD LLC,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 9<sup>th</sup> day of December, 2022, upon consideration of Defendants' Motions to Dismiss for Failure to State a Claim and Improper Venue, ECF Nos. 14, 16, 18, Plaintiffs' responses thereto, ECF Nos. 19-22, and for the reasons set forth in the Court's Opinion issued this date, **IT IS ORDERED THAT:**

1. Defendant BCA Industries' motion, ECF No. 14, is **GRANTED**.
2. Defendant Recycle Equipment Rental LLC's motion, ECF No. 18, is **GRANTED**.
3. Defendant Ivywood LLC's motion, ECF No. 16, is **GRANTED in part and DENIED in part** as follows:
  - a. Ivywood's 12(b)(3) motion is **DENIED**.
  - b. Ivywood's 12(b)(6) motion is **GRANTED**.
4. Counts I through V of the Complaint are **DISMISSED without prejudice**.
5. **Within fourteen (14) days of the date of this Order**, Plaintiff may, consistent with the Court's opinion, file an amended complaint.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge